

Preserve ITFS Spectrum for Education

May 26, 2004

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Amendment of Parts 1, 21, 7, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands* – WT Docket No. 03-66

Dear Chairman Powell:

The undersigned education organizations write today to strongly urge you to support retaining the current educational character of the Instructional Television Fixed Service (ITFS), which we consider a vital national resource. Additionally, we request that you delay the full Commission's consideration of changes to ITFS's licensing rules, currently scheduled for the June 10 Commission Meeting, to allow an opportunity for the parties to continue discussions about the issue.

As you know, ITFS is the only portion of the spectrum licensed exclusively to educational entities, with more than 1,200 licensees holding nearly 2,200 licenses, effectively serving millions of students throughout the country. K-12 institutions have used ITFS extensively since its inception in the 1960s to provide services such as distance learning, videoconference capability and professional development programs. K-12 schools use ITFS to deliver courses and professional development wirelessly to remote sites and to transmit virtual courses and other information to wide audiences through both one-way video and two-way broadband applications. With the No Child Left Behind Act (NCLB) placing so many demands on K-12 educators throughout the nation, there is an acute need for the resources delivered by ITFS, particularly those that help teachers and students in geographically isolated areas and inner cities gain access to courses and professional development opportunities unavailable in their regions.

Proposed new rules currently before the Commission place in jeopardy these accomplishments and the ability to fulfill the requirements of NCLB. Under these draft rules, commercial entities would be permitted to obtain ITFS licenses and devote no portion or only a small portion of their allotments for educational purposes. We believe that this proposal would decimate the educational focus of this portion of the spectrum and we urge you to oppose it. From our perspective, these new rules would lead inevitably to the termination of ITFS's educational goals as education licensees eventually sell to commercial entities and the original educational functions of ITFS are transformed into commercial purposes. When a current educational entity proposes to sell its ITFS license, other educational entities would have a hard time competing with commercial entity bids.

Moreover, the proposed new rules would place undue pressure on current license holders who wish to continue to use ITFS for educational purposes by effectively choking-off the thriving secondary leasing model, through which educational licensees lease excess spectrum to commercial entities in order

to finance the development of educational programming. With the ability to purchase entire licenses outright, commercial entities will have no incentive to negotiate with education licensees and simply hold out for sales. In short, we fear that these proposed new rules threaten all that the educational licensees have achieved and all that they hope to achieve in digital education through ITFS.

In the short term, we request that you delay the full Commission's consideration to allow time for education license-holders and the Commission to continue discussions regarding possible solutions that would meet the needs of all parties. In any event, we strongly urge you to oppose changes to ITFS's current licensee eligibility requirements.

We appreciate your time and attention to this most important matter.

Sincerely,

American Association of School Administrators
Association of Educational Service Agencies
Consortium for School Networking
Council for Exceptional Children
Council of Chief State School Officers
Council of Great City Schools
International Society for Technology in Education
National Alliance of Black School Educators
National Association of Elementary School Principals
National Association of Independent Schools
National Association of Secondary School Principals
National Education Association
National Education Knowledge Industry Association
National PTA
National Rural Education Association
National School Boards Association
United States Conference of Catholic Bishops

cc. Commissioner Kathleen Abernathy
Commissioner Jonathan Adelstein
Commissioner Michael Copps
Commissioner Kevin Martin